

SUPPORTING STATEMENT

OMB # 0980-0267

A. JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary.

The Administration for Children and Families (ACF) seeks permission to revise a currently approved information collection because the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law (Pub. L.) 110-351) (Fostering Connections) permits Indian Tribes, Tribal organizations, and Tribal consortia (Tribes) to directly-operate a title IV-E program. As a result, the burden estimates in this information collection are revised to include Tribes.

Effective October 1, 2009, section 479B(b) of the Social Security Act (the Act) authorizes direct Federal funding to Tribes that directly-operate a foster care, adoption assistance and, at Tribal option, a kinship guardianship assistance program under title IV-E of the Act. In accordance with section 479B(b) of the Act, title IV-E requirements apply to Indian Tribes approved to directly-operate a title IV-E program “in the same manner as this part applies to a State” except for a limited number of provisions provided for in statute (section 479B(b) of the Act).

Fostering Connections requires that ACF issue an interim final rule (IFR) addressing: procedures

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to ensure that a transfer of responsibility for the placement and care of a child under a State title IV-E plan to a Tribal title IV-E plan occurs in a manner that does not affect the child's eligibility for title IV-E or title XIX benefits, including Medicaid, under the Act and such services or payments; in-kind expenditures from third-party sources for the Tribal share of administration and training expenditures under title IV-E; and other provisions to carry out the Tribal-related amendments to title IV-E. The IFR was received by OMB for approval on September 1, 2011.

Copies of the relevant sections of the Federal statute are attached.

2. Purpose and Use of the Information Collection.

The Adoption and Foster Care Analysis and Reporting System (AFCARS) is the only federally mandated collection of data on children in foster care and those adopted from a child welfare agency. The Department of Health and Human Services (DHHS) uses the information submitted by title IV-E agencies to respond to questions and requests for current data on children in foster care or who were adopted. These requests may be received from Congress, other Departments, national advocacy organizations, States, Tribes, and other interested organizations. DHHS aggregates the data in a number of ways.

DHHS also uses AFCARS data to address policy development and program management issues. The data enables the Federal government to more effectively direct and manage the national foster care and adoption programs. Specifically, DHHS uses the data for:

- the Child Welfare Outcomes Report to Congress;
- the National Standards used for compliance monitoring in the Child and Family Services Reviews;
- the data source of case record samples drawn for various program reviews conducted by ACF;
- allocating Chafee Foster Care Independence Program (CFCIP) funds to States;
- identifying the number of finalized adoptions for which a State may be awarded adoption incentive funds;
- short and long-term budget projections;
- trend analyses and short and long-term planning;
- targeting areas for greater or potential technical assistance efforts, for discretionary service grants, for research and evaluation, and for regulatory change; and
- background and justification for policy changes and legislative proposals.

The data enable policymakers to assess why children are in foster care and to develop prevention strategies, to provide information about foster care placements, adoptive parents, length of time in care, delays in termination of parental rights and placement for adoption, and to identify geographic areas with special problems.

The data are also useful for research. The ultimate purpose is to gain a better understanding of the foster care program and to make suggestions and proposals to improve the child welfare

system.

As effectuated by the IFR, minor changes to the existing approved collection required in the Act apply the title IV-E statute to Indian Tribes that are approved to directly-operate title IV-E programs, in the same manner as it is applied to States.

3. Use of Improved Information Technology and Burden Reduction.

ACF requires title IV-E agencies to submit AFCARS data electronically on a semi-annual basis. ACF's preferred electronic file transfer method is Cyberfusion. This method provides a secure direct mainframe to mainframe or PC to mainframe communication between title IV-E agencies and the Federal government.

4. Efforts to Identify Duplication and Use of Similar Information.

AFCARS is the only Federal data collection of information on children in foster care and who are adopted from the State or Tribal child welfare system.

5. Impact on Small Businesses or Other Small Entities.

This information collection does not impact small businesses or other small entities. Title IV-E agencies are required to collect and report this information. Reported information is limited to

children for whom title IV-E agencies have responsibility for placement and care and/or who are adopted from the State child welfare system.

6. Consequence of Collecting the Information Less Frequently.

Information must be collected on an on-going basis in order to provide effective trend analysis and other programmatic information for children in foster care and who are adopted. As the only federally mandated child welfare information collection system, AFCARS is the primary source of information. In order to reduce the burden on title IV-E agencies, and still gather timely data, semi-annual reporting is required in the regulation.

If AFCARS were submitted on an annual basis, for policy purposes, information up to at least 15 months old would be used before the following year's data would be available. By contrast, information provided on a semi-annual basis receives a preliminary analysis within a thirty to sixty day timeframe.

7. Special Circumstances Relating to the Guidance of 5 CFR 1320.5.

There are no special circumstances required to collect this information in a manner other than required by OMB.

8. Comments in Response to the Federal Register (FR) Notice and Efforts to Consult Outside

the Agency.

On March 13, 2009, ACF published a FR notice, 74 FR 10920, inviting Tribal leaders and/or their representatives to attend one of seven in-person meetings and/or provide written comments on several topics related to development of the IFR. None of the comments were relevant to the information collection burden.

9. Explanation of Any Payment or Gift to Respondents.

No gifts or payment, other than Federal financial participation, will be made to title IV-E agencies for the maintenance and development of an information system.

10. Assurance of Confidentiality Provided to Respondents.

All data on adoption and foster care will be collected with the assurance of confidentiality. The data must be kept confidential as the purpose of its collection is to conduct program and policy analyses and not to track individual children at the Federal level. Only the reporting agency will know the identity of individual children and families. ACF approves two methods for creating an AFCARS record number: encryption and sequential numbering. ACF assisted States in developing an algorithm to encrypt and will provide the same assistance to Tribes.

11. Justification for Sensitive Questions.

There are no questions of a sensitive nature in this collection.

12. Estimates of Annualized Burden Hours and Costs.

All of the following burden estimates are based on the information collection approved by OMB October, 2011.

ANNUAL BURDEN ESTIMATES

Collection	Number of Respondents	Number of Responses	Average Burden Hours Per Response	Total Burden Hours
AFCARS 45 CFR 1355.40 (0980-0267)	72	2	3,005	432,720

Estimated Total Annual Burden Hours: 432,720

Indian Tribes with title IV-E plans, estimate of 20, are required to submit AFCARS data. ACF has current OMB approval for 52 respondents at an average burden hour per response estimate of

2,581. Adding Tribes will bring this total to 72 respondents and an average burden estimate of 3,005 hours per response.

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers.

States utilize existing computer systems to record and collect information pertaining to the case work associated with children in foster care. Their costs of collecting and submitting data to AFCARS is subsumed under their personnel expenses.

Tribes will have start-up costs even if they already use some means of a case management system to collect some of the required AFCARS data. In addition, Tribes will have costs associated with developing programming to pull the data and put it in file format. Hardware costs for the Tribes for 3 years will be approximately \$4,000 per year per Tribe or \$1,333 per year per Tribe. We estimate total Tribal start up costs will be less than \$100,000 per year for the first two to three years of operation. This is based on our experience with small States when AFCARS was first introduced and information provided by one Tribe.

Item	Hours	Cost per hour	Cost
Annualized cost to respondents for collection of AFCARS data	3,005	\$30	\$90,150

The estimated cost for the collection of information is based on average wages for a caseworker and systems analyst.

14. Annualized Cost to the Federal Government.

Item	Hours/Activities	Cost per hour	Annual Total Cost
Operation of AFCARS	10,400	\$50	\$601,108
Maintenance Expense			\$29,400
AFCARS Technical Assistance Reviews	5 site visits	\$2,000/review	\$10,000
Federal Annual Total			\$640,508

The average annual Federal costs associated with implementation oversight and data analysis is based on nine ACF employees (two grade 14s, four grade 13s, and three grade 12s). The cost for ACF to conduct periodic monitoring/technical assistance visits to title IV-E agencies is based on two Federal staff. We increased this estimate by one Tribal site visit.

15. Explanation for Program Changes or Adjustments.

There are no program changes; however, there is an adjustment. The burden hours focus on data

collection for children in care at the start of the year, those who entered and those children who exited care. The estimated number of burden hours has increased from previous estimates. This is primarily due to an increased number of estimated respondents because the statute extends the requirements that previously applied only to States to a Tribal title IV-E agency approved to directly-operate a title IV-E program. The new respondents are Indian Tribes with an approved title IV-E plan. We have only rough estimates of the number of children in foster care who may be served by a Tribal title IV- E agency. We are using 50 children per Indian Tribe as a rough estimate based on our consultations with Indian Tribes and information from other sources. We estimate no more than 20 Tribes will directly-operate a title IV-E program during Federal fiscal years 2012 through 2015 based on the number of title IV-E development grant applications submitted by Tribes.

16. Plans for Tabulation and Publication and Project Time Schedule.

There is no timetable or project end date, as collection of adoption and foster care data is ongoing. Data tabulation will consist of frequency distributions by respondent. Statistics generated from the data will include at a minimum the relationship of child demographics and case characteristics to case outcomes: e.g., length of placement. In addition, child demographics, case characteristics, and case outcomes will be tracked over time and by respondent. Also, ACF is required to submit annual data reports to Congress.

17. Reason(s) Display of OMB Expiration Date is Inappropriate.

DHHS requests that the OMB number and expiration date not be displayed, as there is no standardized form issued to title IV-E agencies to submit AFCARS data. All data are submitted electronically. The OMB number is displayed at 45 CFR 1355.40.

18. Exceptions to Certification for Paperwork Reduction Act Submission.

There are no exceptions to the certification statement. No special circumstances require the collection of this information in a manner other than required by OMB.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The information collected does not require the use of statistical methods.